

REMARKS

Prior to the present response, claims 1-16 were pending. By way of the above amendments, claims 5, 7, 10, 11 and 13-16 have been amended, claims 4 and 12 have been canceled without prejudice or disclaimer, and new claim 17 has been added. Claims 5 and 14 have been rewritten in independent form so as to respectively include all the features of original independent claims 4 and 12. Claims 7, 11, 13 and 15 have been amended to conform their dependencies to one of independent claims 5, 10, and 14. Claims 1-3, 5-11 and 13-17 are currently pending. Favorable reconsideration is respectfully requested.

On page 2 of the Office Action, the Examiner objected to the title of the invention. Applicants have amended the title of the invention. It is respectfully submitted that the title of the invention as presently amended fully address the concerns expressed on page 2 of the Action. Accordingly, Applicants request that the objection be withdrawn.

The Office Action includes a rejection of claims 7-9, 15 and 16 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. To the extent that the Office may consider the rejection to apply to the amended claims, this rejection is respectfully traversed.

Each of claims 7 and 15 have been amended to recite that the controller is further capable of driving of the taking lens into the in-focus position after driving of the display has been started. In other words, driving the lens after the display is initiated can occur in addition to driving the lens before the display is started.

For example, as described in pages 20-23 of the specification and shown in Figure 7, the LCD may be in an on state at the time of recording processing (e.g., processing #100). Thereafter, the camera lens is driven to a focus position where in-focus condition is substantially obtained (e.g., see process #170). The display also may be set to initiate a process of turning it on (e.g., process #60) and thereafter, the lens is driven to an in-focus position (e.g., process #30). Figure 8 and the accompanying description thereof at pages 21-22 of the specification also describes an exemplary situation in which a camera lens is driven to a position of in-focus condition after the display is turned on (e.g., when AF processing is performed after the display is turned on in process #40).

With respect to claim 16, Applicants respectfully submit that claim 16 is definite because it distinctly defines the meets and bounds of the invention. The Office Action, however, rejected claim 16 as allegedly being indefinite without providing any basis for the rejection. Applicants request that the Office point out the particular recited subject matter it considers indefinite. Absent such a showing, the rejection is improper and should be withdrawn.

It is respectfully submitted that claims 7-9, 15 and 16 fully comply with the requirements of Section 112, second paragraph. Applicants therefore request that the rejection be withdrawn.

On pages 3 to 5 of the Office Action, claims 4, 7-9, 11-13, 15 and 16 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,166,765 to Toyofuku (hereinafter, "*Toyofuku*"). This rejection is respectfully traversed.

With respect to claims 4 and 12, the rejection of these claims has been rendered moot by their cancellation without prejudice or disclaimer.

Amended independent claim 16 is directed to a display control method in a digital camera having a display device. The method includes a step of determining whether display of an image captured is requested or not when power supply to the camera is started. When display of an image is requested, a taking lens is driven to a focus position where in-focus condition is substantially obtained for distant to close-range views. The method further includes displaying an image taken through the taking lens situated at the focus position.

The *Toyofuku* patent is directed to a camera in which a photographing mode and a reproduction mode are determined in correspondence with whether a lens barrier is opened or closed. The camera includes a liquid crystal display (LCD) controllable by an LCD switch 58. In the reproduction mode (i.e., when the lens barrier is closed), the LCD switch 58 is pressed to toggle the LCD between an on and off state. After being pressed, the LCD remains in the state that it was last changed to until the LCD switch 58 is again pressed. In the photographing mode (i.e., when the lens barrier is open), the LCD remains off unless the LCD switch 58 is held in the depressed state. Specifically, the

Toyofuku patent discloses that when the user manually presses and holds the LCD switch 58, a lens is moved into a pan focus position. (See column 15, lines 62-64.)

It is respectfully submitted, however, that the *Toyofuku* patent does not disclose the claimed combination of determining whether display of an image captured is requested when power supply to the camera is started, and when display of an image is requested, driving a taking lens to a focus position where in-focus condition is substantially obtained. In contrast, the camera described in the *Toyofuku* patent sets the lens at a pan focus position only when the switch 58 is pressed and manually maintained in a depressed state. Hence, *Toyofuku* does not disclose each and every feature of amended claim 16. Accordingly, the *Toyofuku* patent does not anticipate this claim.

The Office Action also includes a rejection of claims 5, 6 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Toyofuku* in view of U.S. Patent No. 5,819,120 to Hamada et al. (hereinafter, "*Hamada*"). This rejection is respectfully traversed.

Claim 5 is directed to a camera that includes, *inter alia*, a controller for driving a taking lens, when power supply to the camera is started, to a focus position where in-focus condition is substantially obtained for distant to close-range views before display by a display device of the camera is started. With respect to this subject matter, the Office Action correctly acknowledges that the *Toyofuku* patent fails to teach driving a taking lens when power supply to the camera is started. (See, the Office Action, page 7, lines 4-5.) The Office Action then asserts that the *Hamada* patent teaches driving a lens to a usable position upon startup. The Office Action then concludes that it would have been obvious to have modified the camera taught in *Toyofuku* to place it into a usable state upon startup. It is respectfully submitted, however, that the *Hamada* patent does not disclose, nor does it otherwise suggest, the claimed features missing from the *Toyofuku* patent.

For instance, the *Hamada* patent does not teach "a controller for driving the taking lens to a focus position where in-focus condition is substantially obtained for distant to close-range views" In contrast to what is recited in claim 5, the lens positions described in *Hamada* relate to the position of a zoom lens. That is, *Hamada* discloses

moving a lens to a “halfway” position, or to a position at some statistically determined “frequently-used” focal length, which involves moving the focal length of a zoom lens to the middle position between the wide angle end and the telephoto end of a variable focus lens. *Hamada* does not teach focusing by way of such lens movement. In other words, *Hamada* simply teaches how to control the focal length of a zoom lens when the main switch of a silver-halide-film camera is turned on. (See column 4, lines 40-46; column 7, lines 23-27; and column 8, lines 11-18.)

By contrast, what is referred to as “in-focus condition” in the present invention concerns a condition of focus, which is fundamentally different from a position of a zoom lens. Specifically, the present invention concerns moving a lens to a position for focus adjustment (i.e., in contrast to positioning of a zoom lens, which results in a change in the size of an image), where the lens is focused on a subject at a particular distance.

Moreover, the *Hamada* patent does not discuss any display device included in a camera. The *Hamada* patent is instead mainly concerned with reducing the time involved when moving a lens barrel from an initial position to one at which a photograph is taken. There is simply no nexus existing in *Hamada* between lens movement and any manner in which a camera's display is controlled.

Even if one were to consider, *arguendo*, that one of ordinary skill in the art would have been led to combine *Hamada*'s teaching of moving a lens barrel to the middle position between the wide angle end and the telephoto end of a variable focus lens, or to some statistically determined frequently-used focal length, with the camera taught in *Toyofuku*, this hypothetical combination would not have resulted in the combination of specific features recited in claim 5. A combination of *Hamada* and *Toyofuku*, at best, would perhaps have resulted in a camera that sets a lens barrel to the middle position (i.e., between the wide angle end and the telephoto end of a variable focus lens, or to some statistically determined frequently-used focal length at startup) and a camera that allows a user to depress and hold a switch that turns an LCD on and sets a lens to a pan focusing position (in a photographing mode). It would not teach that when a camera is started, its focus is brought into any particular condition.

For at least the above reasons, it is respectfully submitted that the *Toyofuku* and *Hamada* patents do not render claim 5 obvious, whether considered individually or in any combination. As such, claim 5, and hence also claims depending therefrom, are patentable.

Claim 14 similarly recites subject matter that is neither taught nor suggested by the *Toyofuku* and *Hamada* patents. For instance, independent claim 14 is directed to a camera body that includes, *inter alia*, a display device for displaying an image captured and a controller for controlling image taking so that in-focus condition is substantially obtained for distant to close-range views before display by the display device is started, and that the controlling is performed when power supply to a camera including the camera body is started. As pointed out above, neither *Hamada* nor *Toyofuku* teach setting a lens to any particular position to substantially obtain an in-focus condition at startup. Hence, what is recited in claim 14 is believed to be patentable over the *Toyofuku* and *Hamada* patents.

On page 6 of the Office Action, claims 1-3 were rejected under 35 U.S.C. § 103(a) has allegedly being unpatentable over *Hamada* in view of *Toyofuku*. Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*, a controller for driving the taking lens to a focus position where in-focus condition is substantially obtained for distant to close-range views when the camera starts to operate. As discussed above, the disclosure in *Hamada* of moving a lens barrel into an initial position between the wide angle end and the telephoto end of a variable focus lens, or to some position statistically determined from frequently-used focal lengths, does not teach or suggest bringing the focus of a camera into any particular condition when a camera starts to operate. Hence, the *Hamada* patent does not teach or suggest that the "initial position" relied upon by the in the Office Action is an "in-focus condition ... ," as set forth in claim 1.

The *Toyofuku* patent does not remedy the shortcomings noted above for *Hamada* because *Toyofuku* only sets the lens at a pan focus position when the switch 58 is maintained in a depressed state. *Toyofuku* does not mention or suggest anywhere the claimed feature that a lens is automatically driven to a focus position when the camera

starts to operate. Hence, the proposed combination of the *Hamada* and *Toyofuku* patents do not teach or suggest the combination of features recited in claim 1. As such, the rejection should be withdrawn because the Office has not established a *prima facie* case. See, MPEP § 2143.03.

Finally, pages 7 and 8 of the Office Action include a rejection of claim 10 under 35 U.S.C. § 103, as allegedly being obvious over the *Toyofuku* patent in view of U.S. Patent No. 4,963,985 to Isoguchi et al. (hereinafter, "*Isoguchi*"). This rejection is respectfully traversed.

Claim 10 recites that a camera includes, *inter alia*, a controller for driving the taking lens to a focus position where in-focus condition is substantially obtained for distant to close-range views before display by the display device is started, and for driving the taking lens to the focus position immediately after recording of an image is performed. In the Office Action, it is acknowledged that the *Toyofuku* patent does not teach that a camera lens is driven into the focus position immediately after recording of an image. (See, the Office Action, page 8, lines 2-3.) The Office Action asserts that this feature is taught in the *Isoguchi* patent, at column 23, lines 66-68 and column 24, lines 28-31. It is respectfully submitted, however, that the cited portion of *Isoguchi*, which describes driving a lens to an "initial position" after photographing, does not teach or suggest driving a lens to an in-focus position as claimed.

To the contrary, the *Isoguchi* patent discloses that the initial setting (i.e., position "L1") corresponds to infinite distance. (See, *Isoguchi*, column 23, lines 35-36.) Furthermore, *Isoguchi* describes that a specific scan function is performed at the time of picture taking. This scan function always involves driving the lens 94 in six steps starting from the L1 position. (See, *Isoguchi*, column 23, line 53 to column 24, line 31.) Therefore, the initial position discussed in *Isoguchi* does not teach or suggest performing the driving of the lens into the "in-focus" condition for "distant to close-range" views immediately after recording of an image, as recited in claim 10. For at least this reason, the Office has not established a *prima facie* case of obviousness. Of course, obviousness

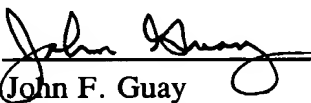
cannot be shown without first establishing a *prima facie* case. Accordingly, the rejection of claim 10 should be withdrawn.

Dependent claims 2-3, 6-9, 11, 13 and 15 depend from one of claims 1, 5, 10 and 14, and are therefore patentable for the above reasons. It is respectfully submitted that these dependent claims recite combinations including further points of distinctions not taught by the *Hamada*, *Toyofuku*, and *Isoguchi* documents, whether considered individually or in any combination.

For all the foregoing reasons, Applicants respectfully request withdrawal of the rejections of the pending claims. Prompt allowance of the application is earnestly solicited.

Respectfully submitted,

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Date: September 15, 2003